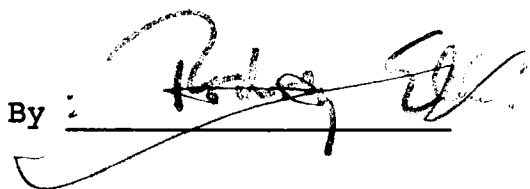


By : 

S.B. No. 323

A BILL TO BE ENTITLED

AN ACT

relating to the types of insurance covered by the program to assist persons in obtaining residential property insurance in underserved areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. <sup>Subsection (a),</sup> Section 1~~(a)~~, Article 21.49-12, Insurance Code, is amended to read as follows:

(a) The commissioner shall establish a voluntary mechanism to be called a market assistance program to assist insureds in Texas in obtaining residential property insurance coverage in underserved areas, which shall be determined and designated by the commissioner by rule using the standards specified in Section 1, Article 5.35-3, of this code. For purposes of this article, residential property insurance means insurance against loss to real or tangible personal property at a fixed location provided in a homeowners policy or a[7] residential fire and allied lines policy, but does not include a [or] farm and ranch owners policy. The types of risks to be assisted under the market assistance program will be established by the commissioner. A market assistance program division shall be established in and operated by the Texas Department of Insurance.

SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an

4-9-99  
4-21-99  
5-14-99

1        emergency    and    an    imperative    public    necessity    that    the  
2        constitutional rule requiring bills to be read on three several  
3        days in each house be suspended, and this rule is hereby suspended.

## **BILL ANALYSIS**

Senate Research Center  
76R3759 AJA-D

S.B. 323  
By: Ellis  
Economic Development  
3/16/1999  
As Filed

### **DIGEST**

Currently, the Residential Market Assistant Program (MAP) assists homeowners in underserved areas to obtain residential property insurance. S.B. 1499, 75th Legislature, moved farm and ranch owners policies from regulation as personal lines insurance to regulation as commercial lines. As a result of the regulatory change, a corresponding change must be made to redefine residential property insurance in the Insurance Code to assist insureds to utilize the Texas Residential Market Assistance Program. S.B. 323 would establish that residential property insurance in underserved areas does not include farm and ranch owners policies.

### **PURPOSE**

As proposed, S.B. 323 specifically excludes a farm and ranch owner's policy from certain residential property insurance in underserved areas.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1(a), Article 21.49-12, Insurance Code, to exclude farm and ranch owners' policies from residential property insurance. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

1-1 By: Ellis

S.B. No. 323

1-2 (In the Senate - Filed January 29, 1999; February 2, 1999,  
1-3 read first time and referred to Committee on Economic Development;  
1-4 April 9, 1999, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; April 9, 1999, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the types of insurance covered by the program to assist  
1-9 persons in obtaining residential property insurance in underserved  
1-10 areas.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (a), Section 1, Article 21.49-12,  
1-13 Insurance Code, is amended to read as follows:

1-14 (a) The commissioner shall establish a voluntary mechanism  
1-15 to be called a market assistance program to assist insureds in  
1-16 Texas in obtaining residential property insurance coverage in  
1-17 underserved areas, which shall be determined and designated by the  
1-18 commissioner by rule using the standards specified in Section 1,  
1-19 Article 5.35-3, of this code. For purposes of this article,  
1-20 residential property insurance means insurance against loss to real  
1-21 or tangible personal property at a fixed location provided in a  
1-22 homeowners policy or a residential fire and allied lines policy,  
1-23 but does not include a ~~or~~ farm and ranch owners policy. The  
1-24 types of risks to be assisted under the market assistance program  
1-25 will be established by the commissioner. A market assistance  
1-26 program division shall be established in and operated by the Texas  
1-27 Department of Insurance.

1-28 SECTION 2. This Act takes effect September 1, 1999.

1-29 SECTION 3. The importance of this legislation and the  
1-30 crowded condition of the calendars in both houses create an  
1-31 emergency and an imperative public necessity that the  
1-32 constitutional rule requiring bills to be read on three several  
1-33 days in each house be suspended, and this rule is hereby suspended.

1-34 \* \* \* \* \*

**FAVORABLE  
SENATE COMMITTEE REPORT ON**

☒ SB    SCR    SJR    SR    HB    HCR    HJR    323  
By Senator Ellis  
(Author/Senate Sponsor)  
4/9/99  
(date)

We, your Committee on ECONOMIC DEVELOPMENT, to which was referred the attached measure,  
have on April 6, 1999, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator David Sibley, Chairman	<input checked="" type="checkbox"/>			
Senator Ken Armbrister, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator John Carona	<input checked="" type="checkbox"/>			
Senator Troy Fraser	<input checked="" type="checkbox"/>			
Senator Mike Jackson	<input checked="" type="checkbox"/>			
Senator Frank Madla	<input checked="" type="checkbox"/>			
Senator John Whitmire	<input checked="" type="checkbox"/>			
TOTAL VOTES	7	0	0	0

**COMMITTEE ACTION**

☒ S260 Considered in public hearing  
☒ S270 Testimony taken

Barbara Henderson  
COMMITTEE CLERK

David Sibley  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

WITNESS LIST

SB 323  
SENATE COMMITTEE REPORT  
Economic Development Committee

March 30, 1999 - 9:00A

For: Thompson, Jay (AFACT), Austin

Registering, but not testifying:

On: Durden, David (Texas Department of Insurance), Austin

April 6, 1999 - 9:00A

For: Stewart, Samuel (Texas Association of Real Estate Brokers),  
Houston

On: Durden, David (Texas Department of Insurance), Austin

Registering, but not testifying:

For: Gelger, Richard (Association of Fire and Casualty Companies in  
Texas), Dallas

Langford, James (Texas Farm Bureau Insurance Company), Hewitt

## **BILL ANALYSIS**

Senate Research Center  
76R3759 AJA-D

S.B. 323  
By: Ellis  
Economic Development  
3/16/1999  
As Filed

### **DIGEST**

Currently, the Residential Market Assistant Program (MAP) assists homeowners in underserved areas to obtain residential property insurance. S.B. 1499, 75th Legislature, moved farm and ranch owners policies from regulation as personal lines insurance to regulation as commercial lines. As a result of the regulatory change, a corresponding change must be made to redefine residential property insurance in the Insurance Code to assist insureds to utilize the Texas Residential Market Assistance Program. S.B. 323 would establish that residential property insurance in underserved areas does not include farm and ranch owners policies.

### **PURPOSE**

As proposed, S.B. 323 specifically excludes a farm and ranch owner's policy from certain residential property insurance in underserved areas.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1(a), Article 21.49-12, Insurance Code, to exclude farm and ranch owners' policies from residential property insurance. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

February 22, 1999

**TO:** Honorable David Sibley, Chair, Senate Committee on Economic Development

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** **SB323** by Ellis, Rodney (Relating to the types of insurance covered by the program to assist persons in obtaining residential property insurance in underserved areas), **As Introduced**

No fiscal implication to the State is anticipated.
--

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department Of Insurance

**LBB Staff:** JK, TH, DP



## REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that SB 323, by: Senator Ellis,  
(Bill No.) (Author/Sponsor)  
was heard by the Economic Development Committee on April 6, 1999,  
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

Barbara Henderson  
(Clerk of the reporting committee)

**IMPORTANT: THE YELLOW COPY OF THIS FORM AND (1) COPY OF YOUR BILL OR RESOLUTION (COMMITTEE PRINTED VERSION) MUST BE DELIVERED TO THE ADMINISTRATION OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.**

Committee Clerks: Original to Calendar Clerk. Pink copy for committee files. Green and yellow copies to bill author/sponsor.  
Author/Sponsor: Green copy for office files. Submit yellow copy to Administration with your bill.

April 22 1999 Engrossed  
Satsy Law  
Engrossing Clerk

Truly, the above is a true and correct  
copy of the bill as introduced in  
reference or transmitted to committee

Clerk of the House

By: Ellis  
(Thompson)

S.B. No. 323

A BILL TO BE ENTITLED

AN ACT

1 relating to the types of insurance covered by the program to assist  
2 persons in obtaining residential property insurance in underserved  
3 areas.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subsection (a), Section 1, Article 21.49-12,  
6 Insurance Code, is amended to read as follows:

7 (a) The commissioner shall establish a voluntary mechanism  
8 to be called a market assistance program to assist insureds in  
9 Texas in obtaining residential property insurance coverage in  
10 underserved areas, which shall be determined and designated by the  
11 commissioner by rule using the standards specified in Section 1,  
12 Article 5.35-3, of this code. For purposes of this article,  
13 residential property insurance means insurance against loss to real  
14 or tangible personal property at a fixed location provided in a  
15 homeowners policy or a[7] residential fire and allied lines policy,  
16 but does not include a [or] farm and ranch owners policy. The  
17 types of risks to be assisted under the market assistance program  
18 will be established by the commissioner. A market assistance  
19 program division shall be established in and operated by the Texas  
20 Department of Insurance.

21 SECTION 2. This Act takes effect September 1, 1999.

22 SECTION 3. The importance of this legislation and the  
23 crowded condition of the calendars in both houses create an  
24 emergency and an imperative public necessity that the

S.B. No. 323

1 constitutional rule requiring bills to be read on three several  
2 days in each house be suspended, and this rule is hereby suspended.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

February 22, 1999

**TO:** Honorable David Sibley, Chair, Senate Committee on Economic Development

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: SB323** by Ellis, Rodney (Relating to the types of insurance covered by the program to assist persons in obtaining residential property insurance in underserved areas), **As Introduced**

No fiscal implication to the State is anticipated.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department Of Insurance

**LBB Staff:** JK, TH, DP

# HOUSE COMMITTEE REPORT

99MAY-6 AM12:35  
HOUSE OF REPRESENTATIVES

1<sup>st</sup> Printing

By: Ellis  
(Thompson)

S.B. No. 323

A BILL TO BE ENTITLED

AN ACT

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23 crowded condition of the calendars in both houses create an  
24 emergency and an imperative public necessity that the

S.B. No. 323

1 constitutional rule requiring bills to be read on three several  
2 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney  
Speaker of the House of Representatives

5/4/99  
(date)

Sir:

We, your COMMITTEE ON INSURANCE

to whom was referred SB 323 have had the same under consideration and beg to report back with the recommendation that it

- ( ☒ ) do pass, without amendment.
- ( ☐ ) do pass, with amendment(s).
- ( ☐ ) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ( ☒ ) yes ( ☐ ) no A fiscal note was requested.
- ( ☐ ) yes ( ☒ ) no A criminal justice policy impact statement was requested.
- ( ☐ ) yes ( ☒ ) no An equalized educational funding impact statement was requested.
- ( ☐ ) yes ( ☒ ) no An actuarial analysis was requested.
- ( ☐ ) yes ( ☒ ) no A water development policy impact statement was requested.
- ( ☐ ) yes ( ☒ ) no A tax equity note was requested.
- ( ☒ ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor Thompson, Senbonia

Joint Sponsors: / / /

Co-Sponsors:

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Smithee, Chair	<input checked="" type="checkbox"/>			
Eiland, Vice-chair	<input checked="" type="checkbox"/>			
Burnam				<input checked="" type="checkbox"/>
Lewis, G.	<input checked="" type="checkbox"/>			
Moreno				<input checked="" type="checkbox"/>
Olivo				<input checked="" type="checkbox"/>
Seaman	<input checked="" type="checkbox"/>			
Thompson	<input checked="" type="checkbox"/>			
Wise	<input checked="" type="checkbox"/>			

Total

6 aye  
0 nay  
0 present, not voting  
3 absent

[Signature]  
CHAIR

## **BILL ANALYSIS**

Office of House Bill Analysis

S.B. 323  
By: Ellis  
Insurance  
5/3/1999  
Engrossed

### **BACKGROUND AND PURPOSE**

Currently, the Texas Residential Market Assistance Program assists homeowners in underserved areas to obtain residential property insurance. S.B. 1499, 75th Legislature, removed farm and ranch owners policies from regulation as personal lines insurance, instead placing them under regulation as commercial lines insurance. S.B. 323 specifically excludes a farm and ranch owner's policy from the meaning of residential property insurance in the context of the market assistance program to conform to the regulatory change made by S.B. 1499, 75th Legislature.

### **RULEMAKING AUTHORITY**

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1(a), Article 21.49-12, Insurance Code, to exclude farm and ranch owners' policies from the meaning of residential property insurance in the context of the market assistance program. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.



SUMMARY OF COMMITTEE ACTION

SB 323

May 4, 1999                      10:30AM or upon adjournment  
Considered in public hearing  
Recommended to be sent to Local & Consent  
Reported favorably without amendment(s)

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

May 5, 1999

**TO:** Honorable John Smithee, Chair, House Committee on Insurance

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB323 by Ellis, Rodney (Relating to the types of insurance covered by the program to assist persons in obtaining residential property insurance in underserved areas.), As Engrossed

No fiscal implication to the State is anticipated.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department Of Insurance

**LBB Staff:** JK, TH, DP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

February 22, 1999

**TO:** Honorable David Sibley, Chair, Senate Committee on Economic Development

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB323 by Ellis, Rodney (Relating to the types of insurance covered by the program to assist persons in obtaining residential property insurance in underserved areas), As Introduced

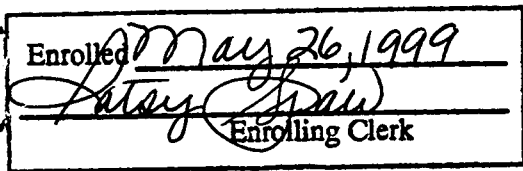
No fiscal implication to the State is anticipated.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department Of Insurance

**LBB Staff:** JK, TH, DP



S.B. No. 323

AN ACT

1 relating to the types of insurance covered by the program to assist  
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4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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11 commissioner by rule using the standards specified in Section 1,  
12 Article 5.35-3, of this code. For purposes of this article,  
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16 but does not include a [or] farm and ranch owners policy. The  
17 types of risks to be assisted under the market assistance program  
18 will be established by the commissioner. A market assistance  
19 program division shall be established in and operated by the Texas  
20 Department of Insurance.

21 SECTION 2. This Act takes effect September 1, 1999.

22 SECTION 3. The importance of this legislation and the  
23 crowded condition of the calendars in both houses create an  
24 emergency and an imperative public necessity that the

S.B. No. 323

1 constitutional rule requiring bills to be read on three several  
2 days in each house be suspended, and this rule is hereby suspended.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 323 passed the Senate on  
April 22, 1999, by the following vote: Yeas 30, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 323 passed the House on  
May 25, 1999, by a non-record vote.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

May 5, 1999

**TO:** Honorable John Smithee, Chair, House Committee on Insurance

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB323 by Ellis, Rodney (Relating to the types of insurance covered by the program to assist persons in obtaining residential property insurance in underserved areas.), As Engrossed

No fiscal implication to the State is anticipated.
--

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department Of Insurance

**LBB Staff:** JK, TH, DP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 76th Regular Session**

February 22, 1999

**TO:** Honorable David Sibley, Chair, Senate Committee on Economic Development

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE:** SB323 by Ellis, Rodney (Relating to the types of insurance covered by the program to assist persons in obtaining residential property insurance in underserved areas), As  
**Introduced**

No fiscal implication to the State is anticipated.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 454 Department Of Insurance

**LBB Staff:** JK, TH, DP

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 323 passed the Senate on  
April 22, 1919, by the following vote: Yeas 30,  
Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 323 passed the House on  
May 15, 1919, by the following vote: Yeas       ,  
Nays       . *equal record vote.*

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor



S.B. No. 323

By Robert E. Allen

A BILL TO BE ENTITLED

AN ACT:

Relating to the types of insurance covered by the program to assist persons in obtaining residential property insurance in underserved areas.

1-29-99 Filed with the Secretary of the Senate  
FEB 02 1999 Read and referred to Committee on ECONOMIC DEVELOPMENT  
APR 09 1999 Reported favorably \_\_\_\_\_  
Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.  
Ordered not printed  
APR 22 1999 Laid before the Senate  
Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays  
APR 22 1999 Read second time, \_\_\_\_\_, and ordered engrossed by: { unanimous consent  
a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays  
APR 22 1999 Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 0 nays.  
APR 22 1999 Read third time, \_\_\_\_\_, and passed by: { A viva voce vote  
30 yeas, 0 nays

Larry King  
SECRETARY OF THE SENATE

OTHER ACTION:

April 22, 1999 Engrossed  
April 22, 1999 Sent to House

Engrossing Clerk

Larry King

APR 22 1999 Received from the Senate  
APR 23 1999 Read first time and referred to Committee on Insurance  
MAY 05 1999 Reported \_\_\_\_\_ favorably (~~amended~~) (~~as substituted~~)  
MAY 06 1999 Sent to Committee on (~~Calendar~~) (Local & Consent Calendars)  
MAY 25 1999 Read second time (~~amended~~) (~~as substituted~~); passed to third reading (~~failed~~) by a (non-record vote) (~~record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting~~)  
Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.  
MAY 25 1999 Read third time (~~amended~~); finally passed (~~failed to pass~~) by a (non-record vote) (~~record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting~~)  
MAY 26 1999 Returned to Senate.  
MAY 26 1999 Returned from House without amendment.  
Returned from House with \_\_\_\_\_ amendments.  
Concurred in House amendments by a viva voce vote \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

Sharon Carter

CHIEF CLERK OF THE HOUSE

\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

99 MAY -6 AM 12:35  
HOUSE OF REPRESENTATIVES